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INFORMATION PAPER

NUMBER 7

# ISRAEL AND THE ARAB MINORITY

by: Sami Hadawi

ARAB INFORMATION CENTER

120 EAST 56 STREET, NEW YORK 22, NEW YORK

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**ISRAEL  
AND  
THE ARAB MINORITY**

**by  
Sami Hadawi**

ARAB INFORMATION CENTER  
120 East 56 Street  
New York 22, N.Y.  
JULY, 1959

"Since when have you enslaved people  
when their mothers gave birth to them  
free?"

Omar ibn Al-Khattab, 581-644 A.D.  
Second Caliph of Islam

●  
"All men are created equal"  
American Declaration of Independence  
July 4, 1776

●  
"All human beings are born free and  
equal in dignity and rights"  
Universal Declaration of Human Rights,  
December 10, 1948

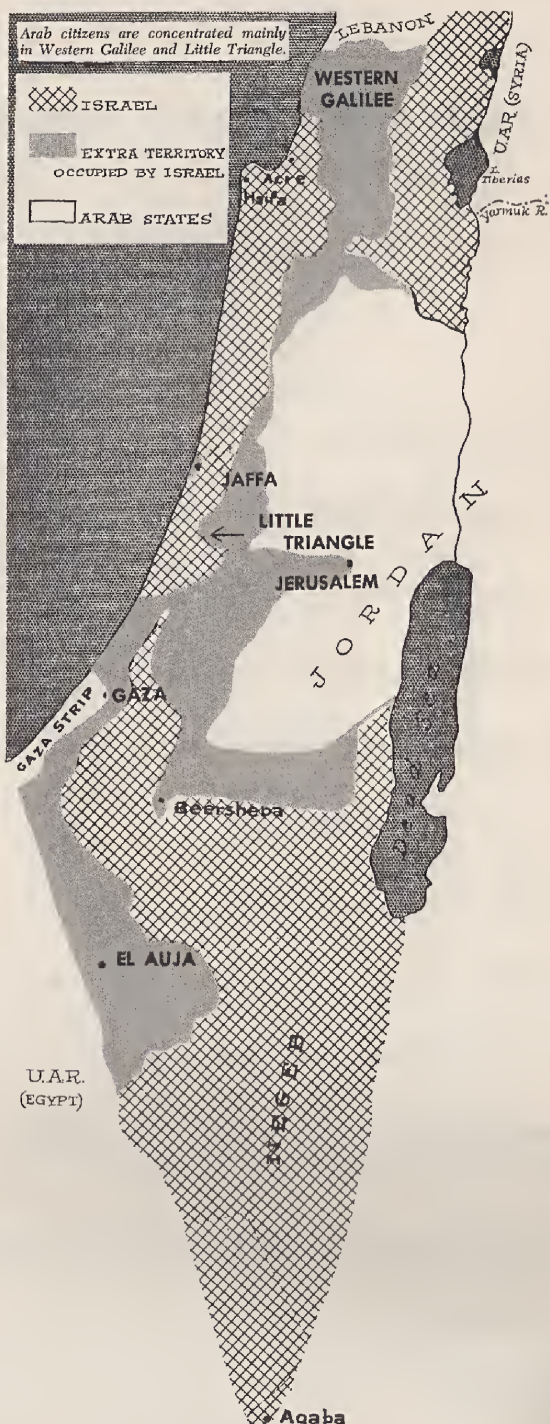
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## ISRAEL AND THE ARAB MINORITY

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## ISRAEL AND THE ARAB MINORITY

*"I am certain that the world will judge the Jewish State by what it will do to the Arabs."*

*Dr. Chaim Weizmann,  
First President of Israel*

\* \* \*

Israel claims to be the only democratic nation in the Middle East where all citizens enjoy full and equal rights without distinction as to race, color, or religion. Accordingly, Israel poses as a freedom-loving nation, fulfilling all the requirements of the United Nations Charter, the Universal Declaration of Human Rights, and the United Nations Partition Resolution which gave birth to the "Jewish State."

The fact that this claim has so far passed unchallenged does not mean that it is justified. Whereas it may be true that the Jewish majority in the country enjoy full rights and liberties, it is certainly not true of the Arab minority, Moslem and Christian. A nation's democracy is judged not by the form of government it has or by the method of its voting or the number of its political parties, but by the manner and extent of the equalities and freedoms enjoyed by all its citizens without discrimination.

The creation of Israel was made possible as a result of the United Nations Partition Resolution of 29 November, 1947,\* which explicitly laid down the conditions under which the "Jewish State" and "Arab State" were to come into existence. The Resolution stipulates in Section B(10) (d) and Section C(1) and (2) that the Constitution of the proposed State shall, inter alia, embody provisions which shall guarantee "to all persons equal and non-discriminatory rights in civil, political, economic, and religious matters and the enjoyment of human rights and fundamental freedoms;" and shall make "no discrimination of any kind between the inhabitants on the ground of race, religion, language, or sex."

The use of the imperative word "shall" in the Resolution was not accidental but deliberate, to ensure full freedom and equality for Moslem, Christian and Jew alike.

In addition, complete equality was guaranteed to the Arab inhabitants in the countless statements of Zionist leaders in their de-

\*"United Nations Resolution 181(II) of November 29, 1947" — Chapters 2 and 3.



mand for a "Jewish State." David Ben-Gurion, arguing the Zionist case for a "Jewish State" before the Anglo-American Committee of Enquiry on Palestine in 1947, made the following statement:

"We will have to treat our Arab and other non-Jewish neighbours . . . as if they were Jews (but make every effort that they should preserve their Arab characteristics, their language, their Arab culture, their Arab religion, their Arab way of life, while making every effort to . . . gradually raise their standard of life."\*

The zeal and enthusiasm which Mr. Ben-Gurion — who was later to become the first Prime Minister of Israel — displayed as Chairman of the Zionist Organization in Palestine, may have influenced the attitude of the Committee that the Arabs had nothing to fear from a Jewish State whose leaders have promised not only that "nothing shall be done which may prejudice the civil and religious rights of the non-Jewish communities in Palestine" but also that every phase of Arab life and culture will be preserved and improved.

In 1948, the "Jewish State" still needed international support. To assure the United Nations and world opinion that the attitude of the Zionist leaders toward the Arab minority had not altered, Israel's Proclamation of Independence guaranteed that the state "will be based on principles of liberty, justice and peace as conceived by the Prophets of Israel; will uphold the full social and political equality of all its citizens, without distinction of religion, race, or sex."\*\*

Let us now examine the record of the "Jewish State" during the first eleven years of its existence to find out how far its leaders have lived up to the guarantees stipulated by the United Nations and voluntarily promised to the Arabs and the world at large by the Zionist leaders, to determine to what extent Israel's claim of a true democratic state is authentic.

## I. The Arab Population

Before the flight of Arab inhabitants began in 1948, the population of Palestine was estimated to be slightly more than two million persons.\*\*\* Of these, 1,380,000 were Moslem and Christian Arabs, including some 90,000 nomad Bedouins living in the Beer-sheba (Negeb) Sub-District; 700,000 were Jews; and 35,000 were others.

After hostilities between the Arab States and Israel had ceased and armistice agreements had been signed,\* only about 170,000 Arabs remained in the Israeli-occupied territory. Of these 119,000 were Moslems; 35,000 were Christians and 15,000 were Druze. About 32,000 were city and town dwellers 120,000 were villagers; and 18,000 were nomad Bedouins.

In 1957, the non-Jewish population of the occupied territory had increased to 203,000,\*\* made up as follows:

	<i>Urban</i>	<i>Rural</i>	<i>Bedouins</i>	<i>Total</i>
Moslem	22,000	94,000	22,000	138,000
Christian	31,000	14,000		45,000
Druze		20,000		20,000
Total	53,000	128,000	22,000	***203,000

Arab inhabitants are concentrated mainly in the Galilee region originally assigned to the "Arab State" under the Partition Plan of 1947. Nazareth — a purely Arab town — is still the principal center of Galilee where approximately 25,000 Moslem and Christian Arabs live. The Arab town of Acre on the shores of the Mediterranean, had its population reduced from 14,000 persons to about 4,000; Beisan in eastern Galilee, another purely Arab town had a population of 6,000 but now has none; Safad and Tiberias — both mixed towns — had in 1948 an Arab population of 10,000 and 6,000 respectively but now have none.

The second largest region where the Arabs are concentrated is in the "Little Triangle" in the center of the country bordering Jordan. This area is part of the citrus belt and contains the best type of soil in Palestine. The Arab villages in this territory were never occupied by the Israelis but were ceded under the Armistic Agreement with Jordan, the provisions of which were "dictated exclusively by military, and not by political, considerations" (Article II., para. 2).

Other principal towns and cities in Palestine occupied by the Israelis were Jaffa — assigned in the Partition Reslution to the "Arab State" — has an Arab population of about 5,000 instead of the original 70, 000 in 1948; Ramleh and Lydda have a total of about 3,000 instead of 16,000 and 18,000 respectively; Haifa has about 5,000 instead of 40,000 while Jerusalem — the Holy City which was to be

\*Jewish Agency for Palestine. "Statements and Memoranda." pp. 71-72.

\*\*"Laws of State of Israel," English Vol. I, Ordinances, 1948, p. 5.

\*\*\*For further details, see "Land Ownership in Palestine," by Sami Hadawi, Part V —Demography of Palestine, pp. 7-10.

\*Armistice Agreements were signed between Israel and Egypt on 24th February; Lebanon on 23rd March; Jordan on 3rd April; and Syria on 20th July, 1949.

\*\*"Facts About Israel," 1957, p. 45.

\*\*\*Estimated in 1959 at 220,000 persons.



administered by the United Nations and provide free access to the adherers of the Three Great Faiths — has but a few Arab individuals.

## II. Arab Minority Placed Under Military Rule

On May 15, 1948, the "Jewish State" was established and the Great Powers — with the United States as the forerunner — had recognized Israel. The Israelis felt confident that they had nothing more to fear from Arabs in the country who had been reduced to a mere minority. Assured of their influence over world media of information, the Zionist leaders felt no longer bound by the promises freely given before the creation of the "Jewish State" and the guarantees embodied in the Partition Resolution.

The first legislative act of Israeli authorities was the enactment of the "Law of Administration Ordinance"\* which empowered the Minister of Defense to issue Emergency Regulations\*\* that would restrict movement of the Arab minority and control all other human liberties. Under these Emergency Regulations, the Minister of Defense was empowered to establish "defense areas" within which he could designate "security zones" and delegate his authority within these "areas" and "zones" to military officers of certain ranks.

Israeli authorities also applied to the Arab minority the Defense (Emergency) Regulations which had been enacted by the Palestine Government in 1945\*\*\* to combat Jewish terrorism. The irony is that, whereas these very Regulations were vehemently condemned as cruel and undemocratic by the Jews of Palestine, the Jewish Agency and world Jewry at the time they were promulgated, they are now being applied by the Jews with even greater vigor to an Arab minority. Arab citizens showed no signs of hostility toward the "Jewish State" during the Palestine war, and they have remained docile and peaceful throughout the past eleven years of Israel's existence. The Arabs have therefore given Israel no legitimate excuse to apply to them the harsh measures which were enacted by the Palestine Government to curb Jewish terrorism.

The next step taken divided the regions where the majority of the Arabs existed into three military zones:

1. *The Northern Sector*, or Galilee, bordering on Lebanon and the Northern Province of the United Arab Republic (Syria), which contains about 130,000 Arabs;
2. *The Central Sector*, or the "Little Triangle" as it became to be known, bordering on the West Bank of Jordan, where some 35,000 Arabs live; and
3. *The Beersheba Sub-District*, or the "Negev", bordering on the West Bank of Jordan in the north and the United Arab Republic (Egypt) and the Gaza Strip in the west, which contains about 14,000 Bedouin Arabs.

No person except a soldier or a policeman on duty was allowed to enter these "security zones." Any person who was a permanent resident within any of these zones at the time the Emergency Regulations went into effect, was not "required to leave until fourteen days after receiving an order from the authorities to do so." Any person entering a security zone without a military permit could be removed and was also subject on conviction to imprisonment for a term not exceeding one year or a fine not exceeding 500 pounds, or to both these penalties.

Military courts were then established to deal with persons accused of violating the provisions of the Emergency Regulations. Violators were brought before these courts within 48 hours of their arrest and summarily tried either in open or closed session as the court saw fit. The verdict of the court was final and could not be questioned or challenged.

Provisions of the Emergency Regulations may be summarized as follows:

1. "Defense areas" and "security zones" were established in order to give the military authorities power at their discretion to expel the Arab inhabitants from their villages or to transfer them to other localities;
2. Military and police could seize and detain any "goods, articles and things." They could also enter and search any place and detain any individual;
3. The military commander was authorized to limit individual movements, to impose restrictions upon employment and business, to issue deportation orders, place any person under police supervision for a period not exceeding one year, or impose forced residence in a fixed place of any person as he deems necessary;

\*"Laws of the State of Israel," Vol. I, p. 8.

\*\*"Collection of Regulations," 1949, pp. 169-170.

\*\*\*"Palestine Gazette" No. 1442 of September 27th, 1945, Supplement No. 2, pp. 1055-1098.



4. District commissioners were authorized to take possession of any land if such action was "in the interest of public safety." Both the district commissioner and military commander were empowered to requisition any chattel which "includes any substance, vehicle, animal or small craft," and to "use or deal with, or authorize use in dealing with the chattel or property for such purposes as he thinks expedient . . . and hold or sell or otherwise dispose of it;"
5. The military commander could occupy any area in which he believes the inhabitants did not assist him in the performance of his duties. Police or troops could be quartered in any village at the expense of the inhabitants;
6. Road movements were also prohibited or controlled. The military commander was authorized to impose curfews, suspend postal services and cut off telephone communications and other public services. Any area under his control could be declared a "closed area," entrance into which required a military permit. As a result, many villages and farms were closed to their inhabitants and the lands turned over to new Jewish settlers.

Don Peretz sums up the effect of this legislation on Arab inhabitants as follows:

"Arabs in these areas lived under a complex of legal restrictions. Their movement into, out of, and within security zones was regulated by the military. Legal residents could be banished and their properties confiscated. Whole villages could be removed from one area to another. The final authority regarding violations of emergency regulations was a military court, whose decisions were not subject to jurisdiction of the Civil Courts of Appeal."\*

If the purposes behind these Israeli restrictive and stringent measures against the Arab inhabitants were dictated exclusively by the exigencies of war, one could readily understand the precautions taken. But when these measures are aimed against Arab communities and individuals who do not pose any danger to the security of the state, and continue to be generally enforced long after the danger is over, it seems apparent that the motives behind them are other than the regulations imply.

Israel seems determined to have a "Jewish State" free of all non-Jewish elements. The Zionists successfully planned and executed

their policy of expulsion of the Arab population and were now anxious to rid themselves of these Moslems and Christians who obstinately stood by their homes and fields. On the face of it, the Emergency Regulations may appear to safeguard the security of the state from a so-called fifth-column; but in actual practice, they are being used to inflict each day upon the Arab minority a new form of physical or material injustice which is no different in manner and intent from the crimes committed by the Nazis against the Jews.

By following such a ruthless policy toward the Arab citizens, Israelis hope to gain two advantages: *first*, that the Arabs will finally, of their own volition, depart the country and forego their homes and lands to make room for more Jewish immigrants: and the *second*, that they would tell such a tale after they leave that would have the effect of discouraging the Arab refugees from demanding return to their homes.

The Arab citizens have repeatedly appealed to the United Nations, the Western Powers and world conscience against Israeli tyranny and maltreatment, but their pleas have fallen on deaf ears.

The following telegram addressed to Dag Hammarskjold, Secretary-General of the United Nations by Advocate Elias Koussa, Secretary of the Arab Bloc in Israel, in January 1956, sums up the pathetic conditions under which the Arab minority live, in these words:

"In name of humanity and justice we appeal to you intercede Israel Government stop oppression humiliation dispossession impoverishment Israel Arabs. Thousands still unsettled owing cruel Government measures. No serious effort ever made for their resettlement. Jewish villages established on land belonging Israeli Arabs consequently becoming jobless and landless. Over one million dunums fertile land taken from Arab owners and inequitable compensation offered. Military rule cruelly applied in Arab areas in Galilee and Little Triangle. Eighteen thousand Arabs pinned Beersheba district. Diverse malpractices applied. Arab education very poor. Opportunity for work denied or obstructed. Though paying taxes, rates, compulsory loans and other inquests including contribution purchases of arms, the Arabs are treated second class citizens. Muslem community, unlike Christian, prohibited manage Muslem wakfs and religious affairs. None but a few are employed in unimportant government offices. Grievances too numerous to enumerate. Generally, Arab conditions lamentable. We implore intervention of United Nations find reasonable solution for serious problem Israeli-Arabs."\*

\*"Ner" Magazine (Jerusalem, Israeli Sector), Vol. VII, No. 6, February-March, 1956.

\*"Israel and the Palestine Arabs," by Don Peretz, Chapter VI, pp. 95-96.



In early 1958 Israeli treatment of its Arab minority came to the attention of world opinion. To counteract any adverse effect which such treatment might have on world opinion, the Israeli leaders suddenly began a propaganda campaign of their interest in the welfare of the Arab citizens. They declared their intentions of relaxing restrictions on the movement of the Arab population; of providing funds for the resettlement of displaced Arabs in Israel; and of granting Arabs equal rights. But once criticism of Israeli actions subsided, the "improvements" promised in the status of the Arab minority were shelved. The fact that about 35,000 Israeli Arabs are still living — after a decade — as refugees from their homes to which they are not permitted to return despite court orders, indicates what little respect the Israelis have for human rights and how much reliance can be placed on Israeli promises and pledges.

In 1959, a group of 200 prominent Jewish Israelis protested to Israeli authorities that the bulk of Israel's Arab inhabitants are still subject to a military rule that denies them the rights of any free citizen.

The petition asked the Government of Israel 'to put an end to the present system of discrimination against members of the Arab minority who have no freedom of movement or residence, are not accepted as equal members of trade unions, and are not employed on the same basis as others in most organizations or government departments.'

Furthermore, the petition said that "ten years of discrimination have created and fostered discouragements, bitterness, and despair" among the Arab population of Israel.

The petition concluded by urging "all those who agree with us to join in our demand that the Government of Israel put an end to the present system of discrimination and adhere fully to the solemn promise of all (Israeli) Declaration of Independence to insure 'full and equal rights for all citizens irrespective of creed, race or sex'."

This appeal, launched in Israel by Professors E. Simon of the Hebrew University and M. Reiner of Haifa School of Technology, was signed by 198 Israel personalities and the heads of 20 Jewish settlements all over Israel.

The "New Outlook," a monthly journal published in Tel-Aviv by a group of liberals of all parties, has the following to say on Israeli treatment of the Arab minority:

"Anyone who wants to understand why Israeli Arabs are so bitter about the Military Administration . . . should make the 45-

minute ride from Haifa to Nazareth on one of the Arab buses, as I've done dozens of times. Here and there along the route the bus pulls up, grim-faced military policemen go through the aisles checking the Arabs' travel permits (but ignoring the Jews completely). Any Arab caught without the correctly-signed and stamped slip of paper is taken off the bus for questioning."\*

### III. Israeli Citizenship

Full and equal rights of citizenship are guaranteed for the Moslem and Christian inhabitants of Palestine who lived in that part of the territory assigned to the "Jewish State". Chapter 3, Article 1, of the Partition Resolution stipulates that "Palestinian citizens residing in Palestine outside the City of Jerusalem, as well as Arabs and Jews who, not holding Palestinian citizenship, reside in Palestine outside the City of Jerusalem, shall, upon recognition of independence, become citizens of the state in which they are resident and enjoy full civil and political rights."\*\*

In 1950, the Israeli authorities promulgated "The Law of Return." This was followed in 1952 by "The Nationality Law."\*\*\*

Under these two laws, the right of entry into Israel is automatically and unconditionally conferred upon a Jew of whatever nationality the moment he steps onto Israeli soil. The Moslem and Christian Arabs, on the other hand, are not so privileged even within their own country. The fact that the Palestine Arab was born in the territory now under Israeli control is insufficient to confer upon him automatic citizenship, notwithstanding the specific stipulation in the United Nations Resolution and the common practices followed in all civilized countries. To become an Israeli citizen, an Arab must be naturalized. This is only possible by proving that he was born in the country; that he lived in Israeli-occupied territory three out of the five years preceding the date of his application for citizenship; that he was entitled to permanent residence; that he was settled or intended to settle permanently in the country; and that he had a sufficient knowledge of the Hebrew language. Even if the Arab met all these requirements, it was still left to the discretion of the Minister of the Interior to grant or refuse the application.

Arab members of the Israeli Parliament and a section of the

\*"Jewish Newsletter," Vol. XV, No. 13, June 29, 1959.

\*\*United Nations Official Records of Second Session, (A/519), p. 138.

\*\*\*Israeli Government Yearbook 1952, pp. 207-210.



Jewish community considered the law as discriminating against the Arab population and urged that provision should be made whereby all individuals who were born in the country should automatically be recognized as Israeli nationals, whether or not they had a knowledge of Hebrew. The fact that Arabic was also regarded as an official language did not help the Arab resident in acquiring the citizenship of the country in which he was born and lives. Automatic citizenship, the Parliament members pointed out, was a natural right of the individual, was in conformity with existing practices all over the world, and was guaranteed in the United Nations Partition Resolution of 1947. The request was flatly rejected, and the law was enacted with all its iniquities.

After this law was passed, the Minister of the Interior admitted in Parliament that racial discrimination did exist, but pointed out that this stemmed, not from the Nationality Law, but from the "Law of Return" which endowed only Jews with the right of "return". The former law, he argued, intended to distinguish between those whose loyalty to Israel was accepted and those who had to prove it.\*

Whatever the causes and the explanations the Israelis could give, the fact remains that discrimination exists — be it under one law or another, or for one reason or another. Whereas an alien is granted citizenship the moment he steps on Israeli soil the only condition being that he must be a Jew, an Arab born in the country of Palestinian parents many generations back can only be naturalized and this under certain extraneous conditions.

Commenting on the law, the Hebrew Paper "Haaretz"\*\*\* said that the Nationality Law has sacrificed an opportunity to establish better rapport between the Arab minority and the state. The demand — the paper continued — that Arabs be required to have some knowledge of Hebrew was unfair; and it supported the grant of automatic citizenship to all Arabs who had Israeli identity cards. The paper concluded by reminding the Israelis of the Jewish struggle for minority rights in other countries.

Derek Tozer, a British correspondent, writing in the American Mercury,\*\*\* stated that "the official policy of the Government (of Israel) is unequivocal. Arabs, like the Jews in Nazi Germany, are officially "Class-B" citizens — a fact which is recorded on their identity cards"; while William Zukerman, Editor of the Jewish News-

letter,\* said that "a more flagrant case of discrimination is hard to find even in the annals of the chauvinistic twentieth century."

That this discrimination exists and is not only racial but religious, is amply proven. Jews throughout the world maintain that they are citizens entitled to full rights and equalities in the countries in which they have been born and live. They argue that, religiously, they are Jews who follow the teachings of the Talmud and other Jewish religious practices; but politically, economically and socially, they are no different to the other citizens of the country. Their religion, they maintain, is their own business; and any attempt at discrimination is labelled as "anti-semitism." There is ample proof that Jews in all freedom-loving countries are recognized and accepted as Americans, English, French, etc., etc. "of the Jewish faith." *It follows with reason, therefore, that the Jews born in the Arab countries are "Arabs of the Jewish faith," and they are so considered.*

The fact that automatic citizenship rights are granted to an Iraqi or Yemenite Arab "of the Jewish faith" the moment he steps onto Palestine soil, but denied to a Palestine Arab "of the Moslem or Christian faith" who has been born and has lived in the country for generations, is a "flagrant case of discrimination". No law similar to the Israeli Nationality Law is known to exist in any other civilized country. While Zionists insist on equality for Jews living outside Israel, they deny similar equality to non-Jews living inside the "Jewish State"!

#### IV. Restriction of Movement

Article 13 of the Universal Declaration of Human Rights provides "everyone has the right to freedom of movement and residence within the borders of each state", and "everyone has the right to leave any country, including his own, and to return to his country."

However, while Iraqi, Yemenite, and other "Arab Jews" enjoy complete freedom of movement within the country, the Moslem and Christian Arabs — no matter how remote their homes may be from the "armistice demarcation lines" — still live under military rule and their movements are restricted.

A truly democratic government makes no distinction between its citizens by permitting full freedom to some and restricting the movement of others. Emergency laws, on the other hand, are not

\*"Israel and the Palestine Arabs," by Don Peretz, Chapter VII, p. 125.

\*\*\*"Haaretz" (Tel-Aviv-Israel), April 3rd, 1953.

\*\*\*"American Mercury" Magazine (New York), August 1957.

\*"Jewish Newsletter" (New York).



generally applied to a particular section of the population but are restricted to a group or to individuals if it is established that they are actually engaged in the disturbance of the peace or are a source of danger to the 'safety of the state'.

The Arab minority has not given the Israeli authorities any cause during the past eleven years to suspect them either as a whole or as individuals of subversive or hostile activities. The fact that the Arab residents happen to be a part of the expelled population is not sufficient cause to place them under such restrictive measures as would deprive them of their freedom and interfere with their normal ways of life. The Israelis had ample time to distinguish between the peaceful and law abiding Arabs and those who might be a danger; but they failed to differentiate in their treatment between one and the other. This goes to prove that the Israeli policy is against the Palestinian Arab as such whatever his conduct, beliefs, or attitude.

What the Arab residents have gone through during the past eleven years of their existence under the rule of a "Jewish State", and what they still suffer at the hands of their Zionist rulers, cannot substantiate the claim of Israel to be a democratic nation. A few illustrations are given below:

1) An old Arab villager who fell seriously sick sought a military permit to proceed to Haifa ten kilometers away for medical treatment. A twenty-four hour permit was granted. The doctor advised immediate hospitalization for the patient for at least two weeks. Applying to the military authorities in Haifa for an extension of stay, the relatives of the sick man were referred to the authorities in their village. The patient was carried back to his home, and died before the second permit could be procured

2) Mordechai Stein, a prominent Jewish lawyer in Tel-Aviv, had the following to say on health facilities in Arab villages and the difficulties experienced by those who are in need of medical care:

"Few of the Arab villages have a doctor; and in many there is no medical station. The sanitary conditions in the Arab zones are bad, and the mortality rate of Arab children in Israel is about twice that of Jewish children — 62.43 as against 31.77 per thousand (see Statistical Monthly, December, 1955, Israeli Government publication)."

Stein continues:

"Even for medical help, it is not easy to get an exit pass. A short time ago, an Arab woman sent a letter to the press in which she related that in the Arab village of 'Ara, two children died in the arms of their mothers in the corridor of the military

commander's office while they waited for a pass ("Al-Hamashmar" Newspaper, November 28th, 1955). A similar case was previously published in the press. But very rarely do such circumstances become known publicly."\*

3) Rabbi Morris S. Lazaron of the American Council of Judaism following a visit to Israel in 1953, stated: "Not even the Arab members of the Knesset (Israeli Parliament) have freedom of movement." In another passage of his article, the Rabbi pointed out that "Even a village like Abu Ghosh whose men are reported by the Israelis to have fought with Israel and opened the way to Jerusalem is subject to discrimination."\*\*

4) Elias N. Koussa, a Christian Arab lawyer of Haifa, was refused permission to attend a baptism and Mass at a nearby village, thus interfering with his religious freedom; and in 1957, he was refused permission to leave the country to visit his son in Canada and the United States for the purpose of raising funds for the welfare of the Arabs of Israel. As he was debarred under the emergency regulations from petitioning the Courts, he protested to the Prime Minister but his protest went unheeded, and he has not been allowed to leave the country to this day.

5) On 18th March, 1958, more than one-hundred Arabs — men, women, and children were brought before the military governor in 'Ara village accused of contravening the "emergency regulations". The Judge summarily dispensed with 47 cases in half an hour, imposing fines amounting to IL573. Among the accused was a boy of twelve years of age — Muhammad Haj Yusef Muhammad of Umm El-Fahm. The boy was accompanied by his father, a man of 90 years of age. The Judge remembered that the boy had appeared twice before the military court. The following interrogation took place:

Judge — Why did you go to Zichron Jacob?

Boy — Pointing to his old father, we want to live. I want to feed my old father and mother.

Judge — Ask for travelling permit from the military governor.

Boy — I demanded it several times and it was not granted.

Judge — Ask for help from the social welfare office.

Boy — The social welfare office does not help everyone.

The boy was fined IL.10. It should be noted that the boy's village is close to the "armistice demarcation line" while Zichron Jacob

\*"Lebensfragen" (Jewish Labour Bund Newspaper), December 1955.

\*\*"Mission to the Middle East" (A report by Three Editors, Nov.-Dec. 1953) published by American Friends of the Middle East, 1607 New Hampshire Ave., NW, Washington, D.C.



is in the opposite direction and close to the sea-shore — far removed from any Arab territory, and therefore no threat to the “safety of the state” was involved.

6) In July 1958, a belated attempt was made by a group of Arabs in Acre for the formation of an Arab Front “to organize and unify Arab efforts for safeguarding the rights and interests of the Arab minority”. To prevent holding of a meeting, Israeli authorities withheld the grant of travel permits. In addition they imposed unwarranted severe measures upon the sponsors, including the Mayor of the Arab town, Shefa 'Amr, and even priests, by requiring them to report to Police Posts twice a day — at 10 a.m. and 2 p.m. This necessitated their walking to and from the Police Posts at the hottest time of day and to waste the whole day travelling to and fro simply because they had signed an appeal to the Arab residents to rally and form a unified front to secure by lawful means the elimination of the many oppressive practices and discriminatory devices they have been subjected to during the past decade.

7) Whenever confronted with the statement that Israel was discriminating against the Arab minority, the Israelis argue that so long as peace is not concluded between Israel and the neighboring Arab States, Israel cannot afford to grant freedom of movement to the Moslem and Christian Arab citizens without endangering the security of the state. This caution, to which the Israelis are naturally entitled, may be justified if it were limited to the inhabitants of border villages who happen to have easier access to Arab territory across the “armistice demarcation lines”; but when Arabs living in the heart of the country are deprived from traveling a short distance outside the confines of their own town or village, restriction of movement no longer becomes a precaution against a so-called “fifth-column”, but an unjustified act of oppression and discrimination.

## V. Destruction of Arab Villages

The destruction of whole Arab villages by the Israeli authorities was not confined to those villages whose inhabitants had fled the country, but included also some of the villages not evacuated by their inhabitants.

The following are a few glaring instances:

1) In October 1948, the villagers of Ikret in western Galilee were removed from their village and told that their removal was necessary for “security reasons” and that they would be allowed to return to

their homes within fifteen days. For that reason, the villagers took such clothing as they needed during their temporary absence. But the “15 days” period dragged on first into months and then into years. Tired of broken promises, the villagers petitioned the courts of justice; and the verdict was that the Israeli army was ordered to permit the return of the villagers. The army responded by destroying every house in the village, choosing Christmas Day, 1951, for their action. Even the church was not spared; and, to add insult to injury, the church bell was removed to a nearby Jewish settlement and used, not to call people to prayer, but to announce the time for meals.

Archbishop George Hakim, Head of the Greek Catholic community in Israeli-occupied territory, cabled a strong protest to the Israeli authorities against this unwarranted wholesale destruction of a Catholic village and the desecration of its church. Following a visit to the ruined village, the Archbishop wrote to Rabbi Hertzog, Minister of Religious Affairs, and said: “From above the churchyard overlooking the village, I could not but ponder over these atrocities, and ask what would the Righteous God — in Whom we both believe — keep in store for these crimes that are being committed by a people or a state, and what would be the verdict of the international conscience.”

2) On 16th and 17th September, 1953, the Christian inhabitants of Kafr Bir'im suffered the same fate. Like Ikret, this village is far removed from the “armistice demarcation lines” and there also the Israelis could not use the pretext that the villagers constituted a threat to the “safety of the state”, especially since hostilities had ceased and the Armistice signed. The Israeli Magazine “Ner” described the incident as follows:

“Further proof of the intensification of the measures against the Arabs of Israel lies in the complete demolition of the village of Kafr Bir'im, the Maronite inhabitants of which were expelled by the military authorities in 1948 and are at present dispersed in adjacent Arab villages. The Maronite Patriarch and Bishop Mubarak had interceded on behalf of these villagers. Promises were lavishly made that they would be permitted to return to their homes and lands. In fulfillment of these promises, the village has been razed to the ground.”\*

Other similar expulsions of the population and demolition of Arab villages occurred in Sha'b, Birwa, Umm El-Faraj, and Mujeidal — all of which are located in the centre of Galilee and distant from Arab territory.

\*“Ner” Magazine (Jerusalem, Israeli Sector), Sept.-October 1953.



3) The Arab village of Et-Tira, near Haifa, was subject to a twelve-hour search on 31 July 1953, under the pretext that an Israeli air force plane had been damaged by bullets while flying over the village. A search was carried out in the most ruthless manner as men, women and children were herded like cattle into concentration pens where they were kept for several hours without food or water in the blazing sun. Valuables were looted by the Israeli army and furniture and windows were smashed. Commenting on this Israeli action, the English daily, The Jerusalem Post, wrote:

"The suggestion is that it has not been shown that the curfew at Et-Tira was justified objectively, that the army plane was in fact fired at from Et-Tira village, nor that adequate steps were taken, before proceeding to so harsh a measure as curfew, to ascertain definitely whether it was or was not."

The village committee estimated the damages caused by the Israeli army at 10,500 Israeli pounds. No illegal arms were found; no suspects were detained; and no effort was made to compensate the innocent villagers for their losses. It is significant that during the previous four years, there had not been a single incident in which any of the Et-Tira villagers had violated the security of the area.

4) These acts of Israeli vandalism were not abated until they had achieved the objective of their policy. An illustration of the effect of this Israeli policy on the Arab citizen is aptly expressed in the following telegram from Muhammad An-Naddaf, Mukhtar of the village of Jalama, near Haifa, to the President of Israel:

"On August 11, 1953, settlers of Lehvat Haviv Kibbutz dynamited our homes in Jalama after the destruction of thousands of our fruit-bearing trees. Despite the verdict of the Supreme Court, your authorities made the aggressors enter our lands and helped them. We complained to the authorities, but nobody responded. Are we in a State or among a gang? Kill us; we hate life under your oppressive yoke. Eighty years old, I have neither heard of nor seen a more despotic and oppressive people than you. Pay the value of my properties so that I may leave, or kill me so that I may enjoy rest. I complain to God against you."\*

5) Even the last resting places of the dead were not left alone. On Good Friday, 1954, the Christian cemetery in Haifa was desecrated and 73 crosses were smashed and trampled underfoot. The Christian communities were horrified at this atrocity and expressed their condemnation during a demonstration on 2nd May 1954, in which the leaders of the Christian communities and prominent Christian citi-

\*"Persecution of the Arab in Israel," p. 14 (Published by the Palestine Arab Refugee Office, 801 2nd Ave., Room 801, New York 17, N.Y.).

zens of Haifa took part. Other Christian churches as well as Moslem Mosques were destroyed in other parts of the country without regard to the sanctity or historical value of these holy places.

Replying to Israeli press charges alleging that he was conducting a campaign of defamation against Israel, the late Monsigneur MacMahon, Head of the Pontifical Mission in the Arab countries, said: "It is neither a campaign nor defamation when the Catholic press throughout the world expresses indignation over the destruction of villages and churches in Israel."

6) The most recent act of desecration of the last resting places of the dead occurred in June, 1959. According to a report in the Israeli newspaper "Letzte Nayer" of Tel-Aviv (June 15, 1959) "the Christian cemetery in Jerusalem was desecrated by vandals and forty-two crosses were destroyed." The newspaper described the act as "shocking and as an act of barbarism designed not only to desecrate the honor of the dead, but also the good name of Israel."\*

## VI. The Kafr Qasem Massacre

On 29th October, 1956, the Israeli army entered the Sinai Peninsula in an act of naked aggression against Egypt. On the same day, an Israeli frontier force moved against the unarmed and unsuspecting village of Kafr Qasem — an Arab "border" village located within the "Little Triangle" inside Israeli-occupied territory.

As the villagers returned from their day's work in the fields, they were met with machine-gun bullets, which resulted in the cold blooded murder of 51 men, women and children, and the wounding of 13 others. Among the dead were 12 women and girls, ten boys between the ages of 14 and 17 years and seven between the ages of 8 and 13 years.

News of this ghastly massacre committed against innocent citizens, which leaked out in an ambiguous and intermittent manner, raised the grave concern of every conscientious person inside and outside Israel who heard of this dastardly crime.

Realizing the gravity of the crime and disturbed by the manner in which it was received by world public opinion, the Prime Minister's office issued a statement, on November 11, 1956 — two weeks after the crime — in an attempt to minimize the incident and to cover up for the perpetrators.

\*"Jewish Newsletter," Vol. XV, No. 13, June 29, 1959.



The statement opened with a reference to the "extensive fedai-yeen activities" — the usual pretext to justify Israeli aggression — and explained that the curfew was imposed "to safeguard the lives of the inhabitants of those villages." From whom it was intended to "safeguard" them, the statement did not clarify. It was hardly necessary to expect an explanation in the light of the aggression started against Egypt. To appease public opinion, the statement promised an immediate investigation into the massacre and payment of compensation for the loss of lives suffered. By promising to take such action, the Israeli authorities tried to convince world opinion that the incident had taken place without the knowledge or permission of the Government, and they hoped that — like the Count Bernadotte assassination in 1948 — it would soon be forgotten.

Mr. Toufiq Toubi, an Arab member of the Israeli Parliament, carried out a thorough investigation of the incident; and in a broadly publicized letter, described the Prime Minister's statement as "vague", an attempt to conceal the vicious deed. He complained of the Government's banning publication of details of the massacre and gave a full account of what happened in the village on that fateful day according to eye witnesses, enumerating names, ages and sexes of those killed and wounded.

Mr. Toubi said that on October 29 — the day hostilities against Egypt began — a unit of the Frontier Force arrived after 4 p.m. in the "Triangle", informed the village notables, mukhtars and chairmen of local councils of the curfew imposed on the villages as of 5 p.m., and advised that the inhabitants should remain indoors. The mukhtar of Kafr Qasem told the officer who notified him of the curfew at 4:45 p.m. that there were many laborers working outside the village, and that it would be physically impossible for them to return before 5 p.m. The officer answered: "The Frontier Force will 'take care' of these laborers."

An eye witness who was one of the first to be fired upon and miraculously escaped death related his account of the attack. Samir Budair said: "I arrived at the village entrance in the vicinity of the school together with three other workmen on bicycles, at 4:55 p.m. We were halted by a group of 12 frontier force guardsmen with an officer in their cars. The workmen greeted the officer by saying 'Shalom'. He asked them: 'Are you happy? The workmen answered 'Yes'. Immediately the guardsmen dismounted and ordered the laborers to stand by. The officer then ordered his men saying 'Mow

them down'. As the guardsmen fired, I threw myself on the ground and began to roll towards a pit by the road. I was shouting, but I was not hurt. I then ceased shouting to feign that I was dead. The guardsmen continued to fire on the laborers who fell. The officer then said 'Enough. They have been killed. It's a pity to waste more bullets on them.'"

Another group consisting of 13 women and girls arrived in a truck. Hana Suleiman 'Amer, a girl of about 16 years of age, was the only survivor who related her experience of the massacre in these words:

"The Frontier Force guardsmen stopped the truck carrying me at the entrance to the village, ordered the truck driver and 2 men laborers to alight and told them that they intended to kill them. The women began to scream, beseeching the guardsmen to release the laborers. The guardsmen answered; 'You, too, we shall kill!' Having fired at the 2 laborers and the driver and killed them, the guardsmen seemed uncertain as to what they should do with the women.

"Hana then related how she heard the officer contact his chief at Ras el 'Ain police station over the wireless, seeking guidance as to what should be done with the women. The guardsmen immediately began firing at the women, all of whom (12 in number) were killed. Among those killed was a certain Fatima Daoud Sarsour, who was 8 months pregnant, a number of old women between 50 and 60 years old, 2 young girls: Loutfieh Issa and Rashiqa Budeir, 13 years old each."

Kafr Qasem is a "border village". Under the terms of the Armistice Agreement with Jordan, Israeli forces are *prohibited* "to enter or to be stationed in such villages, in which locally recruited Arab police shall be organized and stationed for internal security purposes."\* The Israeli army had no legal right to enter the village; and their entry and the massacre that followed could not have occurred without the full knowledge and acquiescence of the Government as the investigation later proved. "

According to the Hebrew daily "Haaretz" of April 11th 1957,\*\* "the eleven officers and soldiers who are on trial for the massacre in Kafr Qasem have all received a fifty per cent increase in their salaries." "A special messenger was sent to Jerusalem to bring the checks to the accused in time for Passover. A number of the accused had been given a vacation for the holiday." The paper reported that

\*Official Records of Security Council, Fourth Session, Special Supplement No. 1, (S/1302/Rev. 1 of 20 June, 1949), Article VI, para. 6.

\*\*"Jewish Newsletter" — Vol. XIII, No. 9 of April 15, 1957.



"the accused mingle freely with the spectators; the officers smile at them and pat them on the back; some of them shake hands with them." "It is obvious, that these people, whether they will be found innocent or guilty, are not treated as criminals, but as heroes."

It transpired at the trial that "Lieutenant Moshe Fodor, one of the two officers accused of shooting the Arabs, testified that at a briefing by Major Malenkoff which he attended, the officers were told that the order to shoot to kill every one found outside their homes, came from above. "I want the Arabs to understand that this is serious," the Major added. After the briefing, the following questions were asked and answers given:

Question: What are we to do with women and children?

Answer: They should be treated like others, without sentimentality.

Questions: What are we to do with the wounded?

Answer: There should be no wounded.

Question: What are we to do with prisoners?

Answer: There should be no prisoners.\*\*

This interrogation corroborates the statement of the girl eyewitness who escaped certain death when her twelve women companions were murdered. She lived to bear witness that the soldiers were in fact acting under orders which "came from above".

Commenting on Israeli atrocities against the Palestine Arab refugees in 1948 — which comment so aptly applies in this case — British historian Arnold Toynbee said:

"The evil deeds committed by the Zionist Jews against the Palestinian Arabs that were comparable to crimes committed against the Jews by the Nazis were the massacre of men, women, and children at Deir Yasin on 9th April, 1948."\*\*\*

The Jewish Newsletter\*\*\* carried an item on the "hate" attitude of the Israeli security forces toward the Arab residents whose lives it was their duty to protect. Private David Goldfeld is reported to have resigned from the Security Police in protest against the trial. When he appeared as a witness, he testified: "I feel that the Arabs are the enemies of our state . . . When I went to Kafr Qasem, I felt that I went against the enemy, and I made no distinction between the Arabs in Israel and those outside its frontiers." When asked by the Judge what he would do if he met an Arab woman who wanted to get

into her home and was not in any way a threat to security, the witness replied: "I would shoot her down, I would harbor no sentiments, because I received an order and I had to carry it out."

In October, 1958, the military tribunal completed the case. Reading the verdict, the Judge said: "It was clear from the evidence that Lt. Gavriel Dehan, Commander of the Police platoon at Kafr Qasem, had ordered the murder of the villagers in 'cold blood' and has himself shot two of the victims."\* He added: "The crime committed was not technical murder but deliberate murder."\*\*\*

Consequently, the sentences were:

Major Shmuel Malinki, commander of the border police — 17 years imprisonment. Lt. Gavriel Dehan and his Assistant — 15 years each. Five constables — 7 years each.

Last to be tried for his part in the Kafr Qasem crime was Colonel Issachar Shadmi, commander of the Border Police. On 26 February, 1959, the defendant was sentenced to "a token fine of *two cents* for exceeding his authority by imposing an absolute curfew on an Arab village in Israel in 1956."\*\*\*\* He was, however, absolved of the crime and was permitted to retain his high office.

The effect of this sentence on those previously passed against the officers and men who executed the orders, was that the five men sentenced to seven years imprisonment each were immediately released and sentences of the others were considerably reduced.

Commenting on the verdict, the Jewish Newsletter said: "There cannot be the slightest doubt that the Government policy of segregating the Israeli Arabs from the Jews and treating them as second-class, inferior citizens, has implanted in the minds of the average Israeli citizen in or outside the Army that the Arabs are enemies of the State and should be treated as traitors. This is the deeper source of the Kafr Qasem crime. The real culprit is the Israeli Government. If Ben Gurion, who waxes so morally indignant over the crime, really wants to atone for this Nazi-like atrocity and wipe out the stain it brought on Israel, he should abolish the military rule which is the cause of this and many other terrible crimes."\*\*\*\*\*

\*"New York Times" of 13 October, 1958.

\*\*\*"New York Times" of 17 October, 1958.

\*\*\*\*"New York Herald Tribune," 27 February, 1959.

\*\*\*\*\*"Jewish Newsletter," Vol. XIV No. 20 of November 3, 1958.

\*\*"Jewish Newsletter" Vol. XIII, No. 10, May 13, 1957.

\*\*\*"A Study of History" by Arnold Toynbee, Vol. VIII, p. 292.

\*\*\*\*"Jewish Newsletter" Vol. XIII, No. 14, July 8, 1958.



## VII. Confiscation of Arab Lands

The United Nations tried to safeguard Arab property by providing in the Partition Resolution that "No expropriation of land owned by an Arab in the Jewish state shall be allowed except for public purposes." The Resolution further provided that "In all cases of expropriation, full compensation as fixed by the Supreme Court shall be paid previous to dispossession.\*

The United Nations may have felt confident that the leaders of the Zionist movement would live up to their obligations toward the Arab minority. There was therefore no necessity to lay down the measures to be taken to enforce compliance in the event of a violation. It was apparently the mistaken belief of the framers of the Resolution that Zionist leaders would feel so grateful to the United Nations for making possible the creation of the "Jewish State" and anxious to demonstrate their peaceful intentions toward their Arab neighbors as to respect whole-heartedly the wishes of the world organization. Be that as it may, an international instrument of so serious a nature should not have left anything to chance. The failure of the United Nations to take this necessary precaution, encouraged the Israelis to proceed without fear of contradiction or obstruction in their policy of seizure of Arab lands.

After Israel was established in 1948, the Arab minority was subjected to several legal devices designed for the confiscation of Arab land:

1) **Military "Emergency Regulations"** established "security zones" and "closed areas" into which no Arab was allowed to venture. An Arab who had land within a "security zone" or a "closed area" was unable to get to it without a military permit, which was in most cases refused.

In an article published in New York following a visit to the Middle East, Derek Tozer described "the measures adopted as extraordinary, even in modern times. "The military governor" he said, "will declare an Arab area a prohibited zone, thus debarring entry to any Arab wishing to tend his land. The 1953 law is then invoked, and agricultural lands become liable to confiscation, since the owners have failed to tend and till their lands themselves. This means that

have failed to tend and till their lands themselves. This means that the property of the Arabs automatically becomes the property of the state."\*

2) **Civil Emergency Laws and Regulations.\*\*** The first empowered the authorities to declare any Arab town, village or part thereof to be an "abandoned area" *whether the area had been abandoned by its inhabitants or not;*

The second defined "absentee" to include Arabs who had not left the territory occupied by Israel either before, during, or after the fighting was over. Explaining the law, Don Peretz said:

"Every Arab in Palestine who had left his town or village after November 29, 1947, was liable to be classified as an absentee under the regulations. All Arabs who held property in the New City of Acre, regardless of the fact that they may never have travelled farther than the few metres to the Old City, were classified as absentees. The 30,000 Arabs who fled from one place to another within Israel, but who never left the country, were also liable to have their property declared absentee."\*\*\*

The third provision empowered the Minister of Agriculture to take over any land which has not been cultivated by its owner. The law provided for a warning to be addressed to the owner to cultivate or to ensure cultivation of his land, but no account was taken of the circumstances and the legal restrictions which prevented the owner from complying with the order even if he had received the notice. Article 2(c) provided that "No act done in respect of waste land under these Regulations shall be invalidated on the ground that the warning did not come to the knowledge of the owner of the land."

3) **Land Acquisition Law.** On 10th March 1953. Israeli authorities moved a step further in consolidating their hold over Arab lands. The various emergency regulations and laws were replaced by "The Land Acquisition (Confirmation of Past Actions and Compensation) Law."\*\*\*\* The purposes behind the law were to "legalize" the past seizure of Arab lands and to provide machinery for future acquisitions. The Arab citizens protested this new act of injustice to the Israeli Parliament, to the United Nations, the Western Powers,

\*"The American Mercury" Magazine (New York)—"How Israel Treats her Arabs," August, 1957.

\*\*\*"The Abandoned Areas Ordinance, 1948"—"State of Israel Laws," Vol. I, pp. 25-26. "The Absentee Property Regulations, 1948"—Jerusalem Post, 19th December, 1948. "The Emergency Regulations" (Cultivation of Waste Lands) 1948-1949 "State of Israel Laws," Vol. II, pp. 70-77.

\*\*\*\*"Israel and the Palestine Arabs," by Don Peretz, Chapter VII, p. 152.

\*\*\*\*\*Text published in "Middle East Journal" (Washington, D.C.) Vol. VII, No. 3, Summer 1953, pp. 358-360.

\*"United Nations Partition Resolution" 181 (II) of 29 November, 1947, Chapter 2, Article 8.



and to world conscience, but to no avail. They were joined in their protest by individual members and groups of the Jewish community in Israel who condemned the law as oppressive, prejudicial and discriminatory.

David K. Elston, former Mandate official in Palestine and a popular British columnist of the Jewish English daily, the Jerusalem Post, who acquired a national reputation for his staunch support of Israel's cause during the Palestine war, attacked the law as "perhaps the most serious factor creating embitterment among all Arabs." Writing in the Hebrew daily "Haaretz," he pointed out that in Galilee, twenty villages had been deprived of their property by Jewish collectives, which "arrogated to themselves, through long-term leases granted by the Minister of Agriculture, lands of Arabs who were free from any guilt or wrong-doing."\*

Dr. Shereshevsky of the "Ichud" Party in Israel, protested to a responsible leader in the Israeli Parliament and described the law as "robbery of land from people, inhabitants of the State." "They are agricultural people, like you, citizens like you," he said. "There exists only one difference between them and you, they are Arabs and you are a Jew." He continued: "This difference seemed to you so great and decisive that you were ready to trespass on all that is required by the Law of Israel and its tradition."\*\*

Moshe Keren, another Jewish writer, described the law as "wholesale robbery with a legal coating," and said:

"The future student of ethnology will wonder how it came to pass that it was the Jewish people, striving to build their state on the foundations of justice and righteousness and having themselves been the victims of unparalleled acts of robbery and expropriation, that should have been capable of doing this to a helpless minority."\*\*\*

Under the 1953 Law and the Emergency Regulations which preceded it, the Israeli authorities had, by 1957, confiscated about 40,000 acres of land belonging to the Arab minority including most of their fertile fields and orchards. The pretext that the land was required for "public purposes," according to the condition in the Resolution of Partition, could not be used because this land was sold to the Development Authority which in turn transferred it to the Jewish National Fund or to some other organization at a handsome profit for

\*"Israel and the Palestine Arabs," by Don Peretz, Chapter IX, p. 172.

\*\*"Ner" Magazine (Jerusalem, Israeli Sector)—We Accuse—April, 1953.

\*\*\*"Haaretz" Newspaper (Tel-Aviv)—"The Arabs Among Us"—Article V, 14th January, 1955.

the settlement of new Jewish immigrants or extension of existing settlements. In other cases the land had been leased to neighboring Jewish settlements at a nominal rental. *It is significant that no land belonging to Jewish individuals or companies has been so expropriated or confiscated.*

Although the main objective of the Land Acquisition Law was to legalize the seizure of Arab lands, it also legislated for the payment of compensation. This latter provision, however, was not in accordance with the stipulation in the Partition Resolution that "full compensation as fixed by the Supreme Court shall be paid previous to dispossession," but gave authority of assessment of such compensation to the Custodian of Absentee Property, whom the Supreme Court in one of its judgments had accused of giving "verdicts favourable to himself."

Although Arab lands had been seized as far back as 1948, little or no compensation has been paid to the Arab farmers. Referring to the provision in the law, Yaacov Aviel, a writer from Israel, said that the least that might have been expected from the perpetrators of this law is that the one constructive paragraph of the law would be implemented with fairness and decency. Official figures disclose, he said, that two years after the passage of the law no more than one thousand compensation claims had been filed, of which only a few hundred have been settled, and these concerned mostly the claims of towns-people whose confiscated lands have been merely a small and subsidiary source of their income. Aviel points out that not one single fellah among the thousands of DPs has so far been the beneficiary of any measure of agricultural rehabilitation.\*

#### 4) Law of Limitations..

In March 1958, the Israeli Government moved still another step in providing legislation for the further confiscation of Arab lands by the enactment of the "Law of Limitations." This law required landowners who do not have a registered title to produce evidence that they have been in continuous undisputed possession of their lands for fifteen years, or forfeit them to the Israeli Government.

Under the Ottoman Empire and British Mandate laws, landowners had to prove possession and cultivation for ten consecutive years to obtain title deeds. The increase from ten to fifteen years detrimentally affects the rights of a significant number of Arab own-

\*"The Arabs Among Us" Article III, by Yaacov Aviel — published in Hebrew Daily "Haaretz" (Tel-Aviv) 7th January, 1955.



ers who have already acquired title under existing land laws by virtue of continuous possession for ten years.

Since Israel had not been in existence for more than ten years prior to the enactment of this new Law, the Arab farmer will have difficulty proving that he has been in possession of his land for at least five years prior to the creation of the "Jewish State." In the first place, the majority of lands in Palestine were not registered; sales transactions usually took place outside the land registry by means of either a properly drawn notarized agreement or a simple statement attested to by some witnesses in the village, as was customary from the time of the Ottoman Empire. In the second place, since Palestinian Arabs are now refugees living outside the country, finding adequate witnesses is much more difficult. Had the old period of ten years been retained, the Arab farmer would have had little trouble in producing evidence of possession, because the witnesses are available in the country; but to require evidence of occupation of five years prior to the establishment of Israel, is to place the Arab owner in the impossible position of not being able to obtain the necessary evidence, with the result that his land is forfeited to the state. This, in effect, is the intention of the Israeli authorities.

Most property still held by Arabs living in Israeli-occupied territory today falls in areas where land settlement operations, started in 1927 by Mandate authorities, had not been commenced on the date of British withdrawal. With little more than verbal evidence of possession, if that, Arabs alone have been affected by this law and are losing their lands.

It was the duty of the United Nations to question the legality and take steps to abrogate these Israeli "laws, regulations and official actions" since they were in conflict with Section C of the Partition Resolution. The General Provision lays down that "The stipulations contained in the Declaration are recognized as fundamental laws of the state, and no law, regulation, or official action *shall* conflict or interfere with these stipulations, nor *shall* any law, regulation, or official action prevail over them"; and Chapter 4 provides that "The provisions of Chapters 1 (on Holy Places) and 2 (on Religious and Minority Rights), *shall be under the guarantee of the United Nations*, and no modifications *shall* be made in them without the assent of the General Assembly of the United Nations." At no time did the Israelis obtain United Nations approval to depart from these stipulations. Consequently, this failure renders the "Laws, regulations, and official actions" of the Israeli authorities illegal. United Nations

silence to stem these oppressive and discriminatory actions had the effect of encouraging the Israelis to proceed in their policy of alienating the Arab residents from their lands.

With the Israeli general elections due in November, 1959, Mr. David Ben-Gurion began his campaign by his first visit to an Arab village. This visit was described by Israeli official sources as "intended to improve relations between Israelis and the Arab minority."

The meeting took place in the village of Baqa El-Gharbiya in the "Little Triangle." The villagers submitted their grievances, among which was a request for "the return of confiscated property to the so-called 'internal refugees' — 20,000 Israeli Arabs who never left the country. Their farms were seized by the Government and given to Jews because they were too close to the border and could not be trusted."

Mr. Ben-Gurion was emphatic in his reply that the confiscated land would not be returned to the refugees, but the Government would soon announce a plan for their resettlement in other parts of Israel."

Commenting on Mr. Ben-Gurion's attitude, the Jewish Newsletter said: "It is questionable whether many Arabs will accept the Government offer because by doing so, they automatically give up their larger claims to their confiscated land and farms and deprive themselves of the hope of ever regaining their property through a final settlement."\*

## VIII. Arab "Border" Villages and "Demilitarized Zones"

When hostilities between Israel and the Arab States ceased in 1948, there were certain Arab villages and localities within the "Little Triangle" and along the Palestine-Syrian and Palestine-Egyptian frontiers whose inhabitants had successfully defended themselves and their homes and lands against Zionist attacks until the cease-fire order of the Security Council was issued. For some unexplained reason the "border" villages in the "Little Triangle" were ceded to Israeli control, while villages situated along the Syrian border and the El-Auja area facing the Sinai Peninsula were declared "demilitarized zones."

The General Armistice Agreement between Israel and Jordan

\*"Jewish Newsletter," Vol. XV, No. 13, of June 29, 1959.



transferred responsibility for certain "border" villages to Israel under certain defined conditions. The first of these was that "wherever villages may be affected by the establishment of the Armistice Demarcation Line . . . , the inhabitants of such villages shall be entitled to maintain, and shall be protected in, their full rights of residence, property and freedom." A second condition read: "It shall be prohibited for Israeli forces to enter or to be stationed in such villages in which locally recruited Arab police shall be organized and stationed for internal security purposes."\*

The main objective of the Armistice Agreement — as its name signifies — was first to put an end to the fighting. It expressly stated that the provisions thereof were "dictated exclusively by military considerations" and that the demarcation line shall not be construed as a permanent boundary. It was also recognized that the Agreement shall not "in any way prejudice the rights, claims and positions of either Party."\*\*

That being the case, it is only reasonable to conclude that "border" villages had a special legal status, that they were not to be regarded as an integral part of Israel proper and therefore not subject to Israeli laws and regulations, but held "in trust" pending a final settlement of the Palestine problem.

No sooner were the Jordanian and Iraqi armies out of the area, when the Israeli authorities took steps to incorporate "border" villages into the territory under their direct jurisdiction. They completely ignored their obligations under the Armistice Agreement as if they had never existed. They failed to establish the "locally recruited Arab police force." Instead, they stationed their own Jewish frontier force and applied the same oppressive and discriminatory emergency regulations and laws which were applicable to the Arab minority of the country.

The massacre of Kafr Qasem (dealt with in chapter VI) is a living example of the conditions under which the inhabitants of "border" villages exist, and stands as another dark stain in the record of Israel in her treatment of the Arab minority. As a result of this arbitrary action, the inhabitants of "border" villages had been relieved by 1957 of about 60,000 dunums of their lands.

The status of the "demilitarized zones," on the other hand, is

even more peculiar; and the policy adopted against the Arabs living therein has been more drastic.

There are two localities in Palestine where "demilitarized zones" were established under the provisions of the Armistice Agreements signed between Israel and Syria on the one hand and with Egypt on the other. The first zone consists of three sections in the northeastern part of the country along the Palestine border with Syria; the second comprises the El-Auja area on the Palestine frontier with the Sinai Peninsula.

The Armistice Agreement between Israel and Syria provides, inter alia, that the provisions thereof were "dictated exclusively by military, and not by political considerations." It also recognized that the Agreement shall not "in any way prejudice the rights, claims, and positions of either Party hereto in the ultimate peaceful settlement of the Palestine question."\*

The Agreement also provides that the demilitarized zone has been "defined with a view toward separating the armed forces of the two Parties in such manner as to minimize the possibility of friction and incident, while providing for the gradual restoration of normal civilian life in the area of demilitarized zone, without prejudice to the ultimate settlement."\*\*

The Agreement further provides:

"The armed forces of both Parties shall be totally excluded (from the demilitarized zone), and in which no activities by military or para-military forces shall be permitted;"

"The Chairman of the Mixed Armistice Commission . . . and United Nations Observers attached to the Commission shall be responsible for ensuring the full implementation of this article;"

"The Chairman of the Mixed Armistice Commission shall be empowered to authorize the return of civilians to villages and settlements in the Demilitarized Zone and the employment of limited numbers of locally recruited civilian police in the zone for internal security purposes."\*\*\*

The Israeli authorities accepted these obligations voluntarily, and it was expected that they would honor their undertakings in the

\*"General Armistice Agreement" signed between Israel and Jordan on 3rd April, 1949, Article VI, paragraph 6 (UN Security Council, Fourth Year, Supplement No. 1 S/1302/Rev. 1 of 20th June, 1949, p. 4.)

\*\*"Ibid," Article II, paragraph 2, and Article IV, paragraph 2.

\*"General Armistice Agreement" signed between Israel and Syria on 20th July, 1949, Article II, paragraph 2 (UN Security Council, Fourth Year, Supplement No. 2 S/1353/Rev. 1, p. 2).

\*\*"Ibid," Article V, para. 2, p. 3.

\*\*\*"Ibid," Article V, para. 5.



same way as they demand of the Arab States to honor theirs. They authorized the return of Jewish settlers to their settlements within the demilitarized zone and appointed police to protect them; thus "enabling the gradual restoration of normal civilian life in the area of the Demilitarized Zone" as stipulated in the Agreement.

Regarding the Arab inhabitants of villages within the demilitarized zone, the Israeli authorities

- a) obstinately *resisted* "the return of the civilian Arab population to their homes;"
- b) *refused* to permit "the employment of limited numbers of locally recruited civilian police in the zone for internal security purposes;"
- c) *opposed* the reconstruction of destroyed Arab villages within the zone;
- d) forcibly *removed* some of the Arabs living in the zone to remote places in the interior of the country and confiscated their property;
- e) *expelled* others across the "demarcation line" into Syrian territory and confiscated their lands;
- f) *militarized* the demilitarized zone under the cloak of establishment of "innocent" Jewish agricultural settlements and farmsteads; and lastly,
- g) by these actions, they rendered ineffective the functions of the Chairman of the U.N. Mixed Armistice Commission, and for that matter, the provisions of the General Armistice Agreement as far as the interests of the Arab inhabitants were concerned.

These violations were brought in due time to the attention of the Mixed Armistice Commission and the Security Council. Israeli authorities reacted by boycott or refusal to attend the meetings of the Commission on the grounds that they were interfering with Israeli sovereign rights. The United Nations failed to take steps to impose its authority in these sensitive areas in which it had legally assumed responsibility. Had the United Nations done so, "the gradual restoration of the normal civilian life of the Arabs in the area of the Demilitarized Zone," would have been effected and the explosive situation existing periodically on the borders would have been arrested.

The situation on the Palestine-Egyptian frontier is even worse. The El-Auja area has always been a purely Arab territory. Not one inch of land within the Zone is owned by Jews and no Jew was ever known to have entered the area during the whole period of the

Mandate. Except for a few buildings remaining from Ottoman Regime days on the road between Beersheba and the Sinai border, the whole territory is occupied and cultivated by Arab nomad bedouin tribes of the Beersheba Sub-District.

On the establishment of the "demilitarized zone," the Armistice Agreement between Israel and Egypt prescribes that "the area comprising the village of El-Auja and vicinity, as defined in paragraph 2 of this Article, shall be demilitarized, and both Egyptian and Israeli armed forces shall be totally excluded therefrom. The Chairman of the U.N. Mixed Armistice Commission . . . and United Nations Observers attached to the Commission shall be responsible for ensuring the full implementation of this provision."\*

The Agreement further provides that "The Mixed Armistice Commission shall maintain its headquarters at El-Auja, and shall hold its meetings at such places and at such times as it may deem necessary for the effective conduct of its work."\*\*

The Israeli authorities, contrary to the expressed intentions of the Armistice Agreement, expelled the Arab inhabitants from their homes and lands. According to a Jewish report, "The Israeli military governor of the Negev issued an order to the members of the Bedouin tribe of Hutheil to leave their lands and move to 'Khuweilfeh' district which is a desert area. The head of the tribe, Suleiman Hutheil, stated that the order was coupled with a threat that should they refuse to obey, they would be driven out of their lands by force. The twenty thousand dunums of land upon which the tribe has always lived are mostly fit for cultivation and only a small portion of them is used for pasture."\*\*\*

Having got rid of the bedouins in the demilitarized zone, the Israeli authorities established Jewish settlements and militarized the area. To have full freedom of action, they had to concoct some way to oust the Mixed Armistice Commission from El-Auja. This was easily accomplished. The United Nations protested feebly, but nothing that it could do enabled the Commission to return to its offices at El-Auja to this day.

From the first day that Israel signed the Armistice Agreements with the Arab States, she was determined to honor only those provisions which serve her interests and purposes. Israeli respect for

\*"General Armistice Agreement," signed between Israel and Egypt on 24th February, 1949, Article VIII, paragraph 1, p. 5.

\*\*"Ibid," Article X, paragraph 2, p. 7.

\*\*\*\*"Kol Haam" Newspaper (An Israeli publication), 19th January, 1954.



international agreements and United Nations directives has been so aptly expressed by David Ben-Gurion — "We know of old that international verdicts can be upset . . . Force of arms, not formal resolutions, will determine the issue.\*

## IX. Arab Rights Before the Israeli Courts

The Israeli judiciary system in the early days of Israel's statehood appeared immune to political pressures and free from military intimidation or coercion. Its judges still retained the high standards of integrity and justice which they inherited from British Mandate days.

The Arabs had at least one venue open to them through which they could recover their property and protect their rights and interests. They took their grievances against the Israeli military and civil authorities to the High Court of Justice, which, in the majority of cases, decided in their favor. On numerous occasions the High Court found it necessary to call Israeli authorities to task; and at times it was obliged to reprimand those responsible for their disregard of the law and of minority rights. If the Courts failed to do justice to a wronged Arab minority, it was principally due to the Israeli basic policy of oppression and discrimination which had been adopted against the Arab citizen.

Don Peretz cites the case of one Tannous Elias 'Askar versus the Custodian of Absentee Property as "typical of many cases which reached the courts and thousands that did not."

Tannous 'Askar, Mr. Peretz writes, was a legal resident of Haifa. After the establishment of Israel in May 1948, 'Askar obtained permission from the Custodian to receive rent from his home in Haifa and to lease a shop. Shortly thereafter, he was denounced as an Absentee who had procured his contract under false pretenses. The Custodian certified that he was an absentee and ordered him to evacuate his shop.

'Askar appealed to the High Court which decided that the evidence against him was groundless. The Custodian had recognized his *de facto* exercise of the rights and obligations of citizenship. He had been permitted to receive rent. He was taxed. He possessed an identity card. He participated in the national elections. Exercise of these rights and obligations gave him *de jure* citizenship prerogatives

and automatically exempted him from the Custodian's arbitrary authority. The Court called attention to the unusual power of the Custodian to execute administrative justice in cases in which he desired a verdict favorable to himself.

In the opinion of the Court, evidence presented by the Custodian showed that 'Askar was classified as an absentee in order to force his removal from his shop. This procedure interrupted the course of justice by depriving 'Askar of elementary citizenship rights. The fact that a person was an absentee did not completely deprive him of property. It merely transferred his rights to the Custodian, who was to use them in conformity with the law. 'Askar should not have been served with an evacuation order without court approval.

The Court concluded by stating that "the certificate (classifying 'Askar as an absentee) was issued only to deprive the claimant of elementary rights and of legal assistance and defense, and in this respect the Custodian acted in an untoward manner."\*

Court procedure is generally lengthy and costly, and not every Arab — against whom there is a definite policy of discrimination — can afford to appeal to the courts. At any rate, even if Arabs could afford it, Israeli authorities have ways and means to flout an unfavorable court order. Dr. Harold E. Fey, Senior Editor of the Christian Century Magazine, reported in this connection that "court rulings in favor of the Arabs are frequently by-passed or circumvented. In August 1953, when the people of a northern village got an order from the court that they should be restored to their village, residents of the neighboring Israeli settlement went and dynamited their homes and uprooted their fruit trees. When a complaint was made to the police, the police said they could do nothing."\*\*

## X. Administration of Moslem "Waqf"\*\*\* (Benevolent or Religious Endowment) Properties

During the Ottoman Regime in Palestine, laws affecting the constitution, jurisdiction, procedure and internal organization of "Waqf" property were promulgated by the legislative authority of the Ottoman Empire. Before the Turkish Constitution of 1908, this authority

\*"Israel and the Palestine Arabs," by Don Peretz, Chapter IX, pp. 178-179.

\*\*"The Christian Century" Magazine, 13th January, 1954.

\*\*\*A Turkish term describing "land assured to pious foundations, or revenue from land assured to pious foundations."

\*"Rebirth and Destiny of Israel," David Ben-Gurion, pp. 227 and 232.



was the Sultan, who was also Caliph; after 1908, it was the legislative body created by the Constitution. Since the Ottoman Empire was a Moslem state, that authority was also Moslem.

By the time of the outbreak of the First World War in 1914, the administrative powers in regard to the procedure and organization of the Moslem Religious Courts had passed to the control of the Ottoman Ministry of Justice; and the Ministry of "Awqaf" (plural for "Waqf") supervised the administration of the "trust property" or administered it directly.

When Palestine was detached from the Ottoman Empire after the First World War and came under the rule of a non-Moslem Government, it became necessary to create a new machinery for Moslem "Waqf" property and other religious matters to be administered and controlled by a Moslem body in accordance with Moslem tradition and practice during past centuries.

By an Order\* issued by the High Commissioner for Palestine in December 1921, a Supreme Moslem Council was constituted for "the control and management of Moslem Awqaf and Sharia (Religious) affairs in Palestine." The Palestine Mandate, on the other hand, included in Article 9 a condition that "the control and administration of "Waqf" shall be exercised in accordance with religious law and the dispositions of the founders."\*\*

This meant, in effect, that the *status quo* existing prior to the British Occupation, that the Moslems themselves should administer and control Moslem religious affairs and "Waqf" property shall be maintained.

The main source of revenue of the Supreme Moslem Council in Palestine was from the "tithe" — a Government tax levied on the lands of certain villages dedicated by the former rulers of the Ottoman Empire for charitable purposes and placed under the control of the Ottoman Ministry of Awqaf. The collection of the "tithe" in respect of these villages was credited to the Supreme Moslem Council, less collection charges fixed at six per cent of actual collections. In 1927, the "tithe" was commuted for an annual payment fixed at the average assessment of a period of three to five years. This measure was followed from 1930 by a series of crop failures which affected substantially the revenue derived from "waqf" villages. In 1935, the Pales-

tine Government decided to replace the "tithe" system of taxation by a fixed rural property tax; and since this new tax was expected to yield considerably less revenue than the "tithe," the Palestine Government agreed to pay the Supreme Moslem Council a lump sum of 30,000 Palestine pounds annually in lieu of the "waqf" share in the commuted tithe." (This figure tallied with the amount which the Supreme Moslem Council derived from actual collections of the "tithe".) When, during the Second World War, the Palestine Government decided, as a war measure, to double and redouble the rates of rural property tax, the Supreme Moslem Council applied and received a proportionate increase in their share of the tax.

Just as the British Mandatory Government took measures to ensure that control of Moslem religious and "waqf" affairs shall remain in the hands of a Moslem administration in accordance with Moslem tradition and custom, so also it was expected that the "Jewish State" would honor and respect the customs and traditions of the Moslem community. The United Nations did not overlook this important matter and stipulated in the Partition Resolution that "the family law and personal status of the various minorities, and other religious interests, including endowments, shall be respected."\*

Israeli authorities, however, placed Moslem religious affairs under the control of the Israeli Jewish Ministry of Religious Affairs and appointed a Jew to administer and control "waqf" properties. And this is not all. Revenue accruing from "waqf" property and dedicated for religious and charitable purposes — estimated at more than one-quarter million Israeli pounds per annum — is now collected by the Israeli authorities and paid into general government revenue. The persons and institutions who are to benefit from these "endowments" are deprived of their rights; and the "dispositions of the founders" — until the creation of Israel maintained and preserved as a sacred trust — have thus been violated, if not altogether obliterated. These actions are in flagrant violation of Israel's international obligations and an act of repression of the religious rights and freedoms of the Moslem community.

\*"Bentwich," Vol. 2, pp. 398-402 (A Palestine Government compilation of laws and regulations).

\*\*"A Survey of Palestine," 1945-46, Vol. 1, Chapter 1, p. 6 (A Palestine Government Publication prepared for the Anglo-American Committee of Inquiry).

\*United Nations Partition Resolution No. 181 (II) of 29th November, 1947, Chapter 2, Article 4.



## **XI. Denial of Equal Political Rights to Arab Citizens**

According to recognized principles of democratic government and practices in all civilized countries, minorities are free to establish their own political parties and to adopt the platform they desire; while in Parliament and the Cabinet they are usually represented according to their voting strength.

In the Israeli-occupied territory of Palestine, however, the Arab minority is not permitted to exercise its political rights and prerogatives in the same manner and to the same extent as the Jewish majority. Although the United Nations Partition Resolution of 1947 makes it an imperative condition that the "Jewish State" shall include provision in its constitution guaranteeing "to all persons equal and non-discriminatory rights in political matters," the Israeli authorities have denied those rights to their Arab minority.

According to Israeli sources, the Moslem and Christian Arab citizens comprise eleven per cent of the total population of the country; and as such, they have an undisputed right to representation in all branches of the Israeli government. Nevertheless, they are prevented from forming their own political parties. To be elected to Parliament, an Arab candidate must run on the ticket of one of the existing Jewish parties and must abide by its platform whether he agrees with its principles or not. Attempts have been made by some of the Arab leaders in the past and as recently as June 1958 to organize an Arab front which would be entrusted with safeguarding the rights and interests of the Moslem and Christian Arab communities. The Israeli authorities immediately took steps to thwart the efforts of the sponsors by withholding from the participants travel permits to the meeting place. In addition, the sponsors were required to report to the Police stations at certain inconvenient hours of the day to ensure their non-attendance. Such a measure is unjustified and humiliating particularly when it is usually taken against criminals whose surveillance becomes necessary "in the interests of public security."

Dr. Harold E. Fey, Senior Editor of the Christian Century, said; "The Arabs have no alternative but to elect those who are nominated for them. They do not have an independent party, and are prevented from forming one." Dr. Fey went on to say that the Arabs "do not deny that Israel may be a democracy for the majority, but they know it is something less than that for the minority, the Class B citizens."\*

\*"The Christian Century" Magazine, 13th January, 1954.

The Arabs are not only prevented from forming their own political parties; they are also deprived of their full share of political representation. The Israeli Parliament has 120 seats of which six are occupied by Arabs sitting as members of Jewish parties, and as such, they are not in a position to protect Arab rights and interests especially when these clash with the policy of the Jewish majority. It has been observed that where an Arab member of Parliament was courageous enough to table an objection in the interests of the Arab minority, his voice is the only one heard in favor even within his own party.

The presence of these Arab members of Parliament provides propaganda material for world consumption that the Arabs of Israel enjoy full political freedom, and so gives the impression that Israel fulfills all the requirements of a democratic state.

A study of the situation in nearby Jordan — which, incidentally, is accused by Israel as far from being a democratic country — will reveal a totally different picture from the one existing in Israel. In Jordan, the Christian inhabitants comprise less than ten per cent of a total population of 1,400,000 persons. According to their numerical strength, Christians are entitled to three out of the forty seats in both Houses of Parliament. Instead, they occupy six seats.

Another analogy may be drawn from the executive and administrative branches of government. In Israel, the Cabinet does not include one Arab Minister; there are no Arabs holding the post of under-secretary or director of a department; while their number in the general government services is insignificant. In contrast, Jordan has two Cabinet posts occupied by Christians — one representing the East Bank and the other the West Bank. In addition, there are several Christians holding the office of under-secretary, directors of departments, and other senior positions; while their representation in the general services far exceeds their entitlement on the basis of population.

## **XII. Arab Minority Protests**

In May 1958, certain sections of the American press carried a news item about a revolt that had broken out in Nazareth and in the villages of Kafr Yasif and Um El-Fahm. In reporting the incident, the press conveyed the impression that the so-called "revolt" was inspired and led by the communists. Consequently, the true causes of the unrest remained unknown to the outside world.

What actually happened was that the Arab inhabitants tried to



take advantage of the "May Day" celebrations to declare publicly their indignation and protest against the oppressive and discriminate conditions under which they live. The Israeli forces charged the unarmed demonstrators with batons and rifles; and in the scuffle which ensued, seventeen persons were wounded and about 350 others were arrested.

On December 10, 1958, the Israelis celebrated the tenth anniversary of "Human Rights Day" with speeches explaining and extolling the principles embodied in the Universal Declaration of Human Rights. The Arab minority took advantage of the occasion to remind the Israelis in a lengthy memorandum\* addressed to the Israeli President and the Secretary-General of the United Nations that while Israel was celebrating its adherence to the principles of the Declaration of Human Rights, it was, in practice, consistently violating its provisions where the Arab minority was concerned. The petitioners called upon the Israeli authorities to remove the oppressive and discriminate laws and practices imposed upon the Arab minority and to treat the Arabs with a spirit consistent with the principles in the Universal Declaration of Human Rights.

### XIII. Conclusion

The survey in the preceding Chapters defines the conditions of discrimination and oppression under which the Arab minority in Israeli-occupied territory live. To sum up: the basic principles of the United Nations, as laid down in the Charter, the Universal Declaration of Human Rights, and the Partition Resolution provide:—

- 1—"No person shall be subjected to arbitrary . . . exile" — Israel has expelled about 35,000 of the Arab inhabitants from their homes and villages to other parts of the country and refuses to allow them to return;
- 2—Guarantees "to all persons equal and non-discriminatory rights" — Israel has placed the Arab minority in a class "B" category; restricted their movement; discriminated against them in employment, in political representation, in government service, in education, in health facilities, etc.;
- 3—"Everyone has the right to freedom of movement and residence within the borders of the state" — Israel has prohibited the free movement of the Arab minority and imposes

\*Memorandum published in "Wahdat Al-Jubha," Haifa, dated 6 February, 1959.

forced residence on some for the least cause;

- 4—"Everyone has the right to leave any country, including his own, and to return to his country" — Israel prevents the travel of an Arab outside the country unless he undertakes to sign away his right of return;
- 5—"No expropriation of land owned by an Arab in the Jewish state shall be allowed except for public purposes" — Israel has so far expropriated 1,250,000 dunums of fertile Arab land and is in the process of confiscating more;
- 6—"Palestinian citizens residing in Palestine . . . shall, upon recognition of independence, become citizens of the state" — Israel, while granting immediate citizenship rights to a Jew the moment he steps onto Palestine soil, withholds such rights from the Arab inhabitants who have been born and live there;
- 7—"The control and administration of Waqf (pious foundation property) shall be exercised in accordance with religious law and the dispositions of the founders" — Israel has taken over such properties and is utilizing the proceeds from the sale or lease thereof for the settlement of new Jewish immigrants, contrary to the "dispositions of the founders."

The General Armistice Agreements concluded between Israel and the neighboring Arab States, in addition, provide:—

- 1—"The Chairman of the Mixed Armistice Commission shall be empowered to authorize the return of civilians to villages and settlements in the Demilitarized Zone" — Israel not only prevented the implementation of this provision; it also expelled across the border or banished into the interior those who remained in their homes and villages; confiscated their lands; and established Jewish settlements thereon;
- 2—"The inhabitants of (border) villages shall be entitled to maintain, and shall be protected in, their full rights of residence, property, and freedom" — Israel has so far confiscated 60,000 dunums of land belonging to inhabitants of such villages;
- 3—for "the employment of limited numbers of locally recruited civilian police for internal security purposes" — Israel failed to employ any such police at any time in any place. Instead she stationed her own Jewish police force;
- 4—"It shall be prohibited for Israeli forces to enter or to be stationed in (border) villages" — Israel did station her



forces in such villages which in one case resulted in the massacre of 51 men, women, and children and the wounding of 13 others in the border village of Kafr Qasem.

With such a record as has been indicated, Israel's claim to be a democratic nation in which all citizens enjoy equal rights and freedoms is without foundation. It is not what is written into a Constitution or law that counts, but how the minority is being treated by the majority. All men are equal before God, and it is a crime to withhold what God in his Goodness has given to man. Of this the Israelis are profoundly guilty.

\* \* \*



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**120 East 56th Street**  
**New York 22, N. Y.**

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